

R430-90-2, R430-50-2. DEFINITIONS.

Licensed Family 90-2, and Residential Certificate 50-2:

- (1) "Body fluid" means blood, urine, feces, vomit, mucus, saliva, or breast milk.

Rationale / Explanation

Body fluids can spread disease. For this reason there are rules related to the proper handling of body fluids.

Licensed Family 90-2:

- (2) "Caregiver" means a person in addition to the licensee or substitute, including an assistant caregiver, who provides direct care to a child in care.

Rationale / Explanation

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform.

Residential Certificate 50-2:

- (2) "Certificate holder" means the person holding a Department of Health child care certificate.

Rationale / Explanation

The Certificate holder is ultimately responsible for all aspects of the facility's operation, and for the facility's compliance with the licensing rules.

Licensed Family 90-2, and Residential Certificate 50-2:

- (3) "Department" means the Utah Department of Health.

Rationale / Explanation

The Utah Department of Health has the legal responsibility for regulating child care providers, as outlined in Utah Code, Chapter 26, Title 39.

Licensed Family 90-2, and Residential Certificate 50-2:

- (4) "Emotional abuse" means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

Rationale / Explanation

Emotional abuse is prohibited in child care facilities, including when disciplining children.

Licensed Family 90-2, and Residential Certificate 50-2:

- (5) "Health care provider" means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

Licensed Family 90-2, and Residential Certificate 50-2:

- (6) "Inaccessible to children" means:
- (a) locked, such as in a locked room, cupboard or drawer;
 - (b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
 - (c) behind a properly secured child safety gate;

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- (d) located in a cupboard or on a shelf more than 36 inches above the floor; or
- (e) not in any location in a bathroom where a child could reach, including by climbing on a toilet, bathtub, or counter.

Licensed Family 90-2, and Residential Certificate 50-2:

- (7) "Infant" means a child aged birth through 11 months of age.

Licensed Family 90-2, and Residential Certificate 50-2:

- (8) "Infectious disease" means an illness that is capable of being spread from one person to another.

Licensed Family 90-2:

- (9) "Licensee" means the person holding a Department of Health child care license.

Rationale / Explanation

The licensee is ultimately responsible for all aspects of the facility's operation, and for the facility's compliance with the licensing rules.

Licensed Family 90-2:

- (10) "Over-the-counter medication" means medication that can be purchased without a written prescription. This includes herbal remedies.

Residential Certificate 50-2:

- (9) "Over-the-counter medication" means medication that can be purchased without a written prescription. This includes herbal remedies.

Rationale / Explanation

Over-the-counter medications do not include topical antiseptic from a first aid kit, diaper cream, sunscreen, baby powder, teething gel or baby lotion.

Licensed Family 90-2:

- (11) "Parent" means the parent or legal guardian of a child in care.

Residential Certificate 50-2:

- (10) "Parent" means the parent or legal guardian of a child in care.

Licensed Family 90-2:

- (12) "Physical abuse" means causing nonaccidental physical harm to a child.

Residential Certificate 50-2:

- (11) "Physical abuse" means causing nonaccidental physical harm to a child.

Rationale / Explanation

Physical abuse is prohibited in child care facilities, including when disciplining children.

Licensed Family 90-2:

- (13) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

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Residential Certificate 50-2:

- (12) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

Licensed Family 90-2:

- (14) "Protective cushioning" means stationary play equipment cushioning material that is approved by the American Society for Testing and Materials or the Consumer Products Safety Commission. For example, sand, pea gravel, engineered wood fibers, shredded tires, or unitary cushioning material, such as rubber mats or poured rubber-like material.

Residential Certificate 50-2:

- (13) "Protective cushioning" means stationary play equipment cushioning material that is approved by the American Society for Testing and Materials or the Consumer Products Safety Commission. For example, sand, pea gravel, engineered wood fibers, shredded tires, or unitary cushioning material, such as rubber mats or poured rubber-like material.

Licensed Family 90-2:

- (15) "Protrusion hazard" means a component or piece of hardware that could impale or cut a child if the child falls against it.

Residential Certificate 50-2:

- (14) "Protrusion hazard" means a component or piece of hardware that could impale or cut a child if the child falls against it.

Licensed Family 90-2:

- (16) "Provider" means the licensee, a substitute, a caregiver, or an assistant caregiver.

Residential Certificate 50-2:

- (15) "Provider" means the certificate holder or a substitute.

Licensed Family 90-2:

- (17) "Related children" means children for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

Residential Certificate 50-2:

- (16) "Related children" means children for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

Licensed Family 90-2:

- (18) "Sanitize" means to reduce the number of germs on a surface to such a level that disease transmission by that surface is unlikely.

Residential Certificate 50-2:

- (17) "Sanitize" means to reduce the number of germs on a surface to such a level that disease transmission by that surface is unlikely.

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Rationale / Explanation

Sanitizing is used to remove disease-spreading germs from surfaces. For a surface to be considered sanitary, the number of germs must be reduced to such a level that transmitting a disease by that surface is unlikely. Sanitizers should not be sprayed when children are near enough to inhale the sanitizer. Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. An effective sanitizing solution can be made by mixing 1 tablespoon of liquid chlorine bleach in 1 gallon of water, or 1 scant teaspoon of bleach in 1 quart of water, and allowing it to sit on the surface to be sanitized for 2 minutes before rinsing or wiping. CFOC, pgs. 417-418, 481, 483, 491

Bleach water solution loses its strength and is weakened by heat and sunlight. For maximum effectiveness a fresh bleach water mix should be made every day, and any leftover bleach water solution discarded at the end of the day. CFOC, pg. 417 Appendix I

Licensed Family 90-2:

(19) "School age" means kindergarten and older age children.

Residential Certificate 50-2:

(18) "School age" means kindergarten and older age children.

Licensed Family 90-2:

(20) "Sexual abuse" means abuse as provided in Utah Code, Section 76-5-404.1.

Residential Certificate 50-2:

(19) "Sexual abuse" means abuse as provided in Utah Code, Section 76-5-404.1.

Licensed Family 90-2:

(21) "Sexually explicit material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

Residential Certificate 50-2:

(20) "Sexually explicit material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

Licensed Family 90-2:

(22) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, play pen, or bed.

Residential Certificate 50-2:

(21) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, play pen, or bed.

Licensed Family 90-2:

(23) "Stationary play equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when a child uses it.

Stationary play equipment does not include:

- (a) a sandbox;
- (b) a stationary circular tricycle;
- (c) a sensory table; or
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

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Residential Certificate 50-2:

- (22) "Stationary play equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when a child uses it. Stationary play equipment does not include:
- (a) a sandbox;
 - (b) a stationary circular tricycle;
 - (c) a sensory table; or
 - (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

Rationale / Explanation

Stationary play equipment must have clear use zones and protective cushioning under and around it, depending on the height of the equipment.

Licensed Family 90-2:

- (24) "Strangulation hazard" means something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. For example, bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks.

Residential Certificate 50-2:

- (23) "Strangulation hazard" means something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. For example, bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks.

Licensed Family 90-2:

- (25) "Substitute" means a person who assumes either the licensee's or a caregiver's duties under this rule when the licensee or caregiver is not present. This includes emergency substitutes.

Residential Certificate 50-2:

- (25) "Substitute" means a person who assumes the certificate holder's duties under this rule when the certificate holder is not present. This includes emergency substitutes.

Licensed Family 90-2:

- (26) "Supervision" means the function of observing, overseeing, and guiding a child or group of children.

Residential Certificate 50-2:

- (24) "Supervision" means the function of observing, overseeing, and guiding a child or group of children.

Licensed Family 90-2:

- (27) "Toddler" means a child aged 12 months but less than 24 months.

Residential Certificate 50-2:

- (26) "Toddler" means a child aged 12 months but less than 24 months.

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Licensed Family 90-2:

(28) "Unrelated children" means children who are not related children.

Residential Certificate 50-2:

(27) "Unrelated children" means children who are not related children.

Licensed Family 90-2:

(29) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

Residential Certificate 50-2:

(28) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

[Rationale / Explanation](#)

The use zone is the area under and around a piece of stationary play equipment where protective cushioning is required.

Licensed Family 90-2:

(30) "Volunteer" means a person who provides direct care to a child but does not receive direct or indirect compensation for doing so. A volunteer is not included in the provider to child ratio.

Residential Certificate 50-2:

(29) "Volunteer" means a person who provides direct care to a child but does not receive direct or indirect compensation for doing so. A volunteer is not included in the provider to child ratio.